

## RESOLUTION NO. CZAB8-3-12

WHEREAS, **KING METAL RECYCLING, LLC.** applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from GU (Interim) to IU-3 (Industry-Unlimited).
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.
- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plan are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Office Building For: King Metal recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: All that certain piece of parcel of land in the NW ¼ of the NW ¼ of the NW ¼ of Section 9, Township 53 South, Range 41 East, Miami-Dade County, Florida, more particularly described as follows: Beginning at a point that is 200 feet South and 50 feet West of the Northeast corner of the NW ¼ of the NW ¼ of the NW ¼ of said Section 9; thence Southerly along a line 50 feet West of and parallel to the East boundary of the NW ¼ of the NW ¼ of the NW ¼ of said Section 9, a distance of 325 feet to a point; thence Westerly parallel to the North boundary of said Section 9, a distance of 200.33 feet to a point; thence deflecting the right 45°23'44" run a distance of 110.62 feet to a point; thence deflecting to the right 44°50'31" run distance of 246.24 feet to a point; thence deflecting to the right 89°45'45" run along a line parallel the North boundary of said Section 9, a distance of 277.60 feet to the Point of Beginning.

LOCATION: 8600 NW 36 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to IU-3 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested special exception to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district (Item #2), and the requested non-use variances to permit a proposed building setback a minimum of 4' from the front (east) property line, setback a minimum of 12'10" from the interior side (north) property line (Item #3), to permit 19 parking spaces (Item #4), to permit a 1-way drive with a minimum width of 12'10 (Item #5), to waive the zoning regulations requiring recycling operations be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls (Item #6), to permit a wall with a height of 16' along the front (east) property line (Item #7), and to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway (Item #8) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested special exception (Item #2) would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny the application without prejudice was offered by Arthemon Johnson, seconded by Richard C. Brown, and upon a poll of the members present the vote was as follows:

Richard C. Brown	aye	Arthemon Johnson	aye
Patrick Cure	absent	Voncarol Yvette Kinchen	aye
		Fredricke Alan Morley	nay

Dr. Joy J. Davis	nay
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NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 8, that the requested district boundary change to IU-3 (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that Items #2 through 8 be and the same are hereby denied without prejudice

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Permitting Environment or Regulatory Affairs or its Successor.

PASSED AND ADOPTED this 15<sup>th</sup> day of February, 2012.

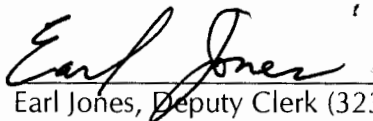
Hearing No. 12-1-CZ8-2  
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 8, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB8-3-12 adopted by said Community Zoning Appeals Board at its meeting held on the 15<sup>th</sup> day of February, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 23<sup>rd</sup> day of February, 2012.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade Department of County Permitting,  
Environment and Regulatory Affairs or its successor

SEAL





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**Department of Permitting, Environment and  
Regulatory Affairs**

111 NW 1 Street, 11 Floor  
Miami, Florida 33128

February 23, 2012

King Metal Recycling, LLC  
c/o Pedro Amador  
8600 NW 36 Avenue  
Miami, Florida 33147

Re: Hearing No. 12-1-CZ8-2  
Location: 8600 NW 36 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB8-3-12, adopted by the Miami-Dade County Community Zoning Appeals Board 8, which denied your application without prejudice.

Information regarding options and methods for challenging a decision of a Community Zoning Appeals Board may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cuevas, Jr.  
County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl Jones".

Earl Jones  
Deputy Clerk

Enclosure